THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.19300 OF 1997

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ORDER:

This writ petition is filed seeking a *mandamus* directing the 1st respondent to issue a permanent patta in favour of the petitioners in respect of the land admeasuring 2200 sq. feet in R.S.No.36/4 of Eluru, on which the house bearing Door No.27-5-2/12 is existing, or in the alternative, to alienate the said land in favour of the petitioners by collecting Rs.1/- per square yard in terms of G.O.Ms.No.219 Revenue (Assignment I), Department, dated 4.3.1994.

The facts, in brief, are as under:

The 1st petitioner was an ex-serviceman. He was provisionally granted a house-site patta to an extent of Ac.0.05 cents, situated in R.S.No.36/4 of Eluru along with some other beneficiaries. However, all the said provisional pattas were cancelled subsequently vide proceedings dated 2.9.1996. Claiming that he was already put in possession of the land assigned and that he had also constructed a residential house, the 1st petitioner made a representation to the respondents requesting to alienate the said land in his favour. Having considered the same, the 1st respondent passed an order dated 11.7.1997 alienating the land in question in favour of the 1st petitioner on payment of basic value at the rate of Rs.350/- per square yard.

This writ petition is filed contending that the action of the 1st respondent in calling upon the petitioner to pay the basic value at the rate of Rs.350/- per sq. yard is unwarranted and unjustified since the respondents had sold the assigned land situated in the same survey number to other similarly situated assignees on payment of concessional price at the rate of Rs.1/- per sq. yard. It is contended that the 1st petitioner is also entitled to the same benefit on par with the assignees, who were sold the land at the rate of Rs.1/- per

square yard under G.O.Ms.No.215 dated 4.3.1994. Hence, the writ petition with the above prayer.

During the pendency of the writ petition, the 1st petitioner died and the petitioners 2 to 4 being the sons of the 1st petitioner have been brought on record as legal representatives.

I have heard the learned counsel for both the parties and perused the material on record.

Admittedly, the provisional patta granted in favour of the 1st petitioner, who was an ex-serviceman, was cancelled long back and the said order of cancellation has become final. However, having considered his request for alienation of the assigned land, the respondents passed an order dated 11.7.1997 fixing the consideration at the rate of Rs.350/- per sq. yard. The mere fact the land situated in the same survey number was alienated to different class of persons on payment of concessional rate of Rs.1/- per sq. yard would not render the impugned action of the respondents arbitrary or discriminatory. It is also relevant to note that admittedly the land in question is a poramboke land and it is for the Government to consider the request for alienation taking into consideration the particular facts and circumstances and varying needs of different classes of persons. The 1st petitioner, who had never challenged the cancellation of the provisional assignment, cannot claim to have acquired any right much less legal right to purchase the said land at a particular price, nor any case is made out to show that the respondents in fixing the price of the land at Rs.350/- per sq. yard had acted in breach of any statutory obligation. On the face of it the matter does not involve enforcement of any legal right or statutory obligation and, therefore, it is not open to the petitioners to seek a writ of mandamus.

Accordingly, the writ petition, which is devoid of any merit, is hereby dismissed. No costs.

G. ROHINI, J.

Dt.20–02-2007
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.19300 of 1997

DATED:20-02-2007

Between:

1. Pullela Subbarayudu (died) and others. ... Petitioners.

And

1. The Secretary, Govt. of A.P., (Revenue Department), Secretariat Buildings, Hyderabad
and others. ... Respondents.